

**CITY OF COLUMBUS
BID WAIVER INFORMATION FORM**

TO ACCOMPANY LEGISLATION WHICH WAIVES ANY PROVISIONS OF COLUMBUS CITY CODES CHAPTER 329
(PLEASE LIMIT YOUR RESPONSE TO THIS SHEET)

1. Reasons for waiving City Code bid procedure:

- emergency breakdown causing unplanned need
- item to be purchased is of a perishable nature
- need to extend an existing contract
- there is not enough time to obtain formal bids to satisfy need
- non-price error on either the bidder's or the City's part in the bid proposal
- a new law or regulation requires immediate compliance
- other The Consultant has performed preliminary engineering services for the Morse Road Widening project as part of a separate agreement with The New Albany Company, LLC

2. Detailed explanation of reason (must be completed by division):

The Morse Road Widening project is one of several public infrastructure improvement projects reimbursable by the Preserve TIF under the terms of a Reimbursement Agreement by and between the City of Columbus, The New Albany Company, LLC (NACO) and Lifestyle Communities, Ltd. (Lifestyle) dated December 22, 2008. Under the terms of the Reimbursement Agreement, the City of Columbus agreed to pay NACO an amount not-to-exceed \$2,428,785.00 for the Morse Road Widening project.

In 2010, NACO notified the City of Columbus of their inability to fulfill the Morse Road Widening obligations delineated in the Reimbursement Agreement. The City of Columbus and The New Albany Company subsequently executed an Instrument of Payment and Termination Agreement signed on December 23, 2011, that contains conditions that, once met, will lead to the termination of the reimbursement agreement.

Due to ongoing traffic and safety issues within the project boundaries and immediately east of the project at the US 62/Morse Road Roundabout, the Department of Public Service would like to proceed with the design and construction of this project as quickly as possible. Lifestyle Communities, Ltd. has agreed to make a \$70,000 contribution toward the design and construction of the eastbound left-turn lane at the Trellis Lane/Underwood Farms intersection and the City of Gahanna has agreed to contribute \$333,685 toward the total cost of the project. The balance of total project costs will be paid from the Northeast Preserve Incentive TIF-Fund #438.

A bid waiver is requested because the consultant has already completed a full preliminary engineering study. Contracting directly with the Consultant will be the most cost effective way to complete the design while meeting the projects timeline.

3. Informal procedure used:

telephone quotations

written quotations

Negotiations

4. Informal bids received and prices for each:

EMH&T: \$450,000.00

5. If lowest bid was not accepted, explain criteria for award:

ORDINANCE #: 2724-2012

APPROVED BY: Authorized Approval on Corresponding Legislative File

DATE: 11/27/12
